

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

Certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) of the Private Rented Housing Committee issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref:** PRHP/RP/16/0116

**Title number:** DMB21295

**Property:** 15 Charlotte Court, 37 East Princess Street, Helensburgh, G84 7DF (“the property”)

#### **The Parties:-**

Mr James and Mrs Helen Lee, 15 Charlotte Court, 37 East Princess Street, Helensburgh, G84 7DF (“the tenants”)

Mr Robert Prow, c/o The Property Bureau, 47 Milngavie Road, Bearsden, G61 2DW (“the landlord”)

#### **Tribunal Members:**

Simone Sweeney (Legal member) Andrew Taylor (Surveyor member)

### **CERTIFICATE OF COMPLETION**

The tribunal hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 14th July 2016 has been

completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

### Right of Appeal

A party to this application, aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

### Effect of Section 63

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this are signed by Simone Sweeney, legal member of the First Tier Tribunal, at Glasgow, on 27<sup>th</sup> day of January, Two Thousand and Seventeen, in the presence of the undernoted witness:

S Sweeney

Legal member.....

B

Witness. ....

Designation.....

Business address. 1 ATLANTIC QUAY, 45 ROBERTSON STREET, GLASGOW, G2 8JB

AT GLASGOW ON 27<sup>th</sup> JANUARY 2017 I SIMONE SWEENEY SOLICITOR  
DO HEREBY CERTIFY THIS DOCUMENT AS A TRUE COPY OF THE  
ORIGINAL.

S Sweeney

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

Statement of facts and reasons for a decision to grant certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) of the Private Rented Housing Committee issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref:** PRHP/RP/16/0116

**Property:** 15 Charlotte Court, 37 East Princess Street, Helensburgh, G84 7DF (“the property”)

### **The Parties:-**

Mr James and Mrs Helen Lee, 15 Charlotte Court, 37 East Princess Street, Helensburgh, G84 7DF (“the tenants”)

Mr Robert Prow, c/o The Property Bureau, 47 Milngavie Road, Bearsden, G61 2DW (“the landlord”)

### **Tribunal Members:**

Simone Sweeney (Legal member) Andrew Taylor (Surveyor member)

### **Decision**

1. That a certificate of completion of works in terms of section 60 of the Act be issued.

## Statement of facts and reasons

2. The tribunal issued a Repairing Standard Enforcement Order (RSEO) on 14<sup>th</sup> July 2016. The terms of the RSEO were that the landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas:-
  - (i) *To carry out such works to the balcony window, double door unit of the living room, as are necessary to eradicate the water penetration at sill level.*
  - (ii) *This work should include, but is not limited to, cutting out and replacing water damaged sills, aprons, framing, skirting, chipboard flooring and carpets.*
  - (iii) *Thereafter to carry out all ancillary and redecoration works as are necessary to make good the area.*
3. The surveyor member re-inspected the property at 26<sup>th</sup> September 2016 at 10am to ascertain whether the work required by the Repairing Standard Enforcement Order (RSEO) served on 14<sup>th</sup> July 2016 had been completed.
4. The surveyor produced a report of his findings dated, 27<sup>th</sup> September 2016. A copy of the report was intimated to both parties.
5. Within his report the surveyor noted that the following works, required by the RSEO, had been carried out:
  - I. Works to the balcony window, double door unit of the living room, have been carried out eradicate water penetration at sill level. These works include redressing flashings and making good silicone pointing.*
  - II. This work has included replacing sill, framing, aprons and skirting. The flooring has not been replaced but has dried out and is sound. The carpet has not been replaced but has dried out and cleaned.*
  - III. The area has been made good and suitably decorated."*
6. There was no response from the landlord to the surveyor's re-inspection of 27<sup>th</sup> September 2016. The tenant responded by email of 6<sup>th</sup> October 2016. Her email read,

*"The sill, framing, aprons and skirting have not been replaced. The carpet is dried out due to dry weather but has not been cleaned."*

7. In response to the email of 6th October 2016 from the tenant, a further inspection and hearing were assigned to take place on Friday 16<sup>th</sup> December 2016. The date, time and location of the inspection and hearing were intimated in writing to both parties.
8. A third inspection of the property took place at 10am on Friday 16<sup>th</sup> December 2016. In attendance were the legal member, surveyor and the tenant. The landlord was not present. There was no representative for the landlord. In an effort to allow the landlord to participate in proceedings the inspection was delayed until 10.15am to allow for any delay on the part of the landlord. The landlord did not appear and the inspection went ahead in his absence.
9. The tribunal found the area around the balcony window and double door unit of the living room to be dry notwithstanding the heavy rain outdoors at the time of the inspection.
10. The tribunal identified that, since the inspection of 28<sup>th</sup> June 2016, sections of the sill, framing, aprons and skirting of the balcony window and double door unit of the living room had been replaced.
11. The tribunal identified that the area of carpet in front of the balcony window and double door unit of the living room which had been damp at the inspection of 28<sup>th</sup> June 2016 was dry at the time of the inspection. The carpet appeared to be the same carpet which had been in place in June 2016. There was no evidence of water staining. The carpet was found to be clean. The carpet had not been replaced.
12. During the course of the inspection the tenant advised the tribunal that since the landlord had undertaken the recent repairs, there had been no incidents of water ingress at the door unit or window.
13. A hearing took place at 11am at Victoria Hall, Sinclair Street, Helensburgh, G84 8TU. Present at the hearing was Mr Andrew Monachan from Property Bureau, 9 Colqhoun Street, Helensburgh, G84 8AN. Mr Monachan was present to represent the interests of the landlord. The tenant did not attend the hearing. Mr Monachan advised the tribunal that the landlord had taken ill recently and had not been well enough to attend the inspection and hearing on that date. Mr Monachan submitted that the landlord had undertaken works at the property over the preceding months which satisfied all that was required of him in terms of the RSEO of 14<sup>th</sup> July 2016. He advised that since the works had been completed his company had received no reports from the tenant of water ingress.
14. The tribunal was satisfied that, on the basis of their findings at the inspection, the property now appeared to be in a reasonable state of repair and that there were no issues outstanding in terms of the RSEO.

15. The committee was satisfied that all work required by the Repairing Standard Enforcement Order had been carried out. The committee resolved to issue a Certificate of Completion.

**Right of Appeal**

16. A party to this application, aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

**Effect of Section 63**

17. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Sweeney

.legal member

AT GLASGOW ON 27th JANUARY 2017